



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,229	10/20/2000	HIDEKI SUGIYAMA	35.C14890	6679

5514 7590 05/28/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
----------	--------------

2111

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,229

Applicant(s)

SUGIYAMA, HIDEKI

Examiner

Raymond Phan

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on March 31, 2004.
2. This application has been examined. Claims 1-20 are pending.

Specification

3. The title of the invention is accepted

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horigane (US No. 6,334,721) in view of Yacoub (US No. 6,552,813).

In regard to claims 1, 6, 11, 16, Horigane discloses an information processing apparatus which is connected to a plurality of printers which has a plurality of printer driver and virtual printer driver which select a specific printer from the plurality of printers, and transmits print data to the selected printer comprising intermediate data generating means for receiving a drawing function (i.e. GDI) which is formed by an OS on the basis of a draw command from an application program and generating intermediate data on the basis of the drawing function (see col. 5, line 33 through col. 8, line 9); setting means for setting print

conditions of a print job via a user interface of the virtual printer driver (see col. 10, lines 20-62); print condition obtaining means for obtaining print condition to print a print job of the intermediate data (see col. 10, lines 20-62). But Horigane does not specifically disclose the step of selecting means for selecting printer to which the intermediate data should be outputted on the basis of device designation information which is obtained from the search server in accordance with the search conditions and intermediate data output means for outputting the intermediate data to a graphic engine of the OS so as to transfer the drawing function to a printer driver corresponding to the selected printer; search condition transmitting means for transmitting the print conditions as search condition of the printer to the search server. However Yacoub disclose the step of selecting means for selecting printer to which the intermediate data should be outputted on the basis of device designation information which is obtained from the search server in accordance with the search conditions (see col. 8, line 18 through col. 9, line 54) and intermediate data output means for outputting the intermediate data to a graphic engine of the OS so as to transfer the drawing function to a printer driver corresponding to the selected printer (see col. 8, line 18 through col. 9, line 54); search condition transmitting means for transmitting the print conditions as search condition of the printer to the search server (see col. 6, line 46 through col. 7, line 36). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Yacoub et al. into the teachings of Horigane because it would minimize the necessity of user interaction in the printing process.

In regards to claims 2, 7, 12, 17, Horigane discloses wherein the intermediate data output means converts the intermediate data into a draw

command which can be interpreted by the graphic engine of the OS and outputs the converted draw command to the graphic engine (see col. 6, line 55 through col. 7, line 59).

In regard to claims 3, 8, 13, 18, Horigan discloses wherein the intermediate data output means selects the printer driver to which the drawing function should be outputted when the draw command is outputted to the graphic engine (see col. 6, line 55 through col. 7, line 59).

In regard to claims 4, 9, 14, 19, Horigan discloses wherein the print condition obtaining means obtains the print conditions from the intermediate data and the print setting of the print job (see col. 6, line 55 through col. 7, line 59).

In regard to claims 5, 10, 15, 20, Horigan discloses wherein the print conditions include function information of the devices connected to the network (see col. 10, lines 20-62).

Response to Amendment

7. Applicant's arguments with respect to claims 1-20 have been considered but claims 1-20 are deemed to be moot in view of the new grounds of rejection.

8. Applicant's arguments, see pages 10-13, filed on March 31, 2004 with respect to the rejection(s) of claim(s) 1-20 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Horigan.

Conclusion

9. All claims are rejected.

10. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

Muraset al. (US No. 6,154,218) disclose a method for generating, managing and displaying information retrieval data on information processing system.

Zhu et al. (US No. 6,601,087) disclose an instant document sharing.

Kato (US No. 5,978,557) discloses a printing device control apparatus and method.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 746-7239.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RP

Raymond Phan
5/24/04


PAUL R. MYERS
PRIMARY EXAMINER